in a sister state is presumably the same as that of the forum see *Woolacott* v. *Case,* 63 Kan. 35; *Kelley* v. *Kelley,* 161 Mass. 111; *Hazen* v. *Mathews,* 184 Mass. 388.

HUSBAND AND WIFE—CONSORTIUM—IS HUSBAND'S RIGHT IMPAIRED BY PURELY PHYSICAL INJURY TO WIFE?—Plaintiff's wife had been injured in a trolley car collision caused by the negligence of defendant company. By virtue of c. 114, Conn. Pub. Acts 1877, which gave her practically all the rights of a feme sole, the wife had recovered from the defendant full compensation for her injuries. Plaintiff brought this action for damages to his relative rights due to the wife's injuries. The jury awarded plaintiff the expenses of medical aid, nursing, etc., and $300 "for loss of consortium." On appeal the latter item was disallowed, because the husband had suffered no loss of "consortium" as that term was defined by the court. *Marri* v. *Stamford St. R. Co.* (1911), — Conn. —, 78 Atl. 582. 33 L.R.A.N.S. 104n.

Though it admits that at common law consortium included the right to the wife's services—what it calls the practical, as distinguished from the sentimental, benefits of the marital relation—(COOLEY, TORTS, 471) the court takes the position that by the statute above cited the right to the wife's services was taken from the husband, leaving a residue consisting only of a right to "the society, companionship and affection" of his better half, and that purely physical injury, as distinguished from such torts as alienation of affection and criminal conversation, does not impair this right. This is the doctrine of *Feneff* v. *New York Central, etc. Co.,* 203 Mass. 278, 89 N. E. 436, 133 Am. St. Rep. 291, 24 L. R. A. (N. S.) 1024. In that case the Massachusetts court overruled its decision in *Kelly* v. *N. Y., N. H. & Hartford R. R. Co.,* 168 Mass. 308, 46 N. E. 1063, 60 Am. St. Rep. 397, 38 L. R. A. 631, a case on all fours with the principal case, which held that the husband could recover for the loss of consortium due to a physical injury to the wife. And very respectable courts still hold to the latter view. *Lagergren* v. *National Coke & Coal Co.* (1909), 117 N. Y. Supp. 92; *Elliott* v. *Kansas City,* 210 Mo. 576, 109 S. W. 627; *Mageau* v. *Great Northern Railway Co.,* 103 Minn. 290, 115 N. W. 651, 946, 15 L. R. A. (N. S.) 511. In some states, differences in statutes may reconcile to a certain extent the apparent conflict, (*Indianapolis Traction & Terminal Co.* v. *Menze* (Ind., 1909), 88 N. E. 929, 89 N. E. 370; *Sellick* v. *Janesville,* 104 Wis. 570, 80 N. W. 944, 76 Am. St. Rep. 892, 47 L. R. A. 691) but that there is a real conflict is evident from this language used by the court in the case last cited: "Of a woman bedridden or compelled to move on crutches, suffering severe pain, with shattered nerves, it cannot be said to conclusively appear that [by injury merely physical] her ability is not impaired to render services and assistance, even other than physical, which would otherwise have been within her power,"—though the court concedes that such injury is *less likely* to impair the husband's right of consortium than torts like alienation of affection. It is submitted that the view of the Wisconsin court is preferable to the doctrine of the principal case, which would deny the husband all redress for what in many cases might be grievous injury to his marital rights.